

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re GBG USA Inc., <i>et al.</i> , ¹ Debtors.	Chapter 11 Case No. 21-11369 (MEW) Jointly Administered
PETER HURWITZ, AS LITIGATION TRUSTEE OF THE GBG USA LITIGATION TRUST, Plaintiff, v. Richard Nixon Darling, Mark Joseph Caldwell, Ronald Ventricelli, Robert K. Smits, Stephen Harry Long, Brandon Carrey, Fung Holdings (1937) Limited, Fung Distribution International Limited, Step Dragon Enterprise Ltd., Golden Step Limited, William Fung Kwon Lun, King Lun Holdings Limited, First Island Developments Limited, Victor Fung Kwok King, Spencer Theodore Fung, HSBC Trustee (C.I.) Limited, Bruce Philip Rockowitz, and Hurricane Millennium Holdings Limited, Defendants.	Adversary Proceeding Adv. Proc. Case No. 23-01022 (MEW)

**ORDER GRANTING *EX PARTE* MOTION OF PETER HURWITZ, AS THE
LITIGATION TRUSTEE OF THE GBG USA LITIGATION TRUST, PURSUANT TO 11
U.S.C. §§ 105(a) AND 107(b), BANKRUPTCY RULE 9018, AND LOCAL RULE 9018-1
PERMITTING PETER HURWITZ, AS LITIGATION TRUSTEE OF THE GBG USA
LITIGATION TRUST, TO TEMPORARILY FILE UNDER SEAL THE UNREDACTED
VERSION OF THE COMPLAINT AND THE EXHIBITS ATTACHED THERETO**

¹ The “Debtors” in these chapter 11 cases and the last four digits of each Debtor’s federal taxpayer identification number are as follows: GBG USA Inc. (2467), Jimlar Corporation (8380), GBG North America Holdings Co., Inc. (5576), Homestead International Group Ltd. (0549), IDS USA Inc. (7194), MESH LLC (8424), Frye Retail, LLC (1352), Krasnow Enterprises, Inc. (0122), Krasnow Enterprises Ltd. (0001), Pacific Alliance USA, Inc. (0435), GBG Spyder USA LLC (9108), and GBG Sean John LLC (1287). The Debtors’ mailing address is GBG USA Inc., P.O. Box 4965, Greensboro, NC 27404.

This matter came before the Court upon the *ex parte* motion (the “Motion to Seal”) of Plaintiff Peter Hurwitz as Litigation Trustee (the “Litigation Trustee”) of the GBG USA Litigation Trust, for the entry of an order pursuant to 11 U.S.C. §§ 105(a) and 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 9018-1 of the Local Rules of Practice and Procedure of the United States Bankruptcy Court for the Southern District of New York (the “Local Rules”) permitting the Litigation Trustee to file under seal the unredacted version of the complaint (the “Complaint”); and the Court having considered the Motion to Seal; and it appearing that no other or further notice need be provided; and the Court having determined that the legal and factual bases set forth in the Motion to Seal establish just cause for the relief granted herein; and upon all of the proceedings had before the Court, and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that

1. The Motion to Seal is granted temporarily on the terms herein.
2. The Litigation Trustee is permitted to file the unredacted version of the Complaint under seal.
3. The Litigation Trustee shall submit an unredacted copy of the Complaint to the Clerk of this Court under seal in an envelope, clearly indicating that the same has been filed under seal by order of the United States Bankruptcy Court for the Southern District of New York.
4. This Order is without prejudice to the rights of (i) the United States Trustee or (ii) any other party of interest, to seek to unseal the Complaint in its entirety, or any part thereof.
5. The unredacted version of the Complaint shall not be made available to any party without the Litigation Trustee’s consent, may not be filed on the public docket, and shall remain under seal until further order of the Court.

6. FCSG, Messrs. Willmott and Johnston, and the Plan Administrator, shall have ten days from the entry of this Order to review the Complaint and designate portions of the Complaint that it believes should remain under seal. Before March 28, 2023, FCSG, Messrs. Willmott and Johnston, and the Plan Administrator, shall provide the Litigation Trustee with its proposed redactions, and the Litigation Trustee shall be responsible for filing redacted and partially redacted versions of the Complaint on the docket via electronic case filing. The Litigation Trustee will also be responsible for submitting the proposed redactions to the Court for review, noting any areas of disagreement.

7. A hearing on any proposed redactions and continued sealing of some or all of the Complaint is set for **April 5, 2023 at 10:00 a.m.**

8. The provision of the unredacted Complaint to the Office of the U.S. Trustee shall be subject to Section 107(c)(3) of the Bankruptcy Code, shall be subject to the protections contained in Bankruptcy Rule 9018, as well as the protections afforded under Rule 502(d) of the Federal Rules of Evidence.

9. Notwithstanding any applicable federal or local rule of procedure, the terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order.

10. This Court shall retain jurisdiction over any and all matters arising from or related to this Order.

Dated: New York, New York
March 16, 2023

/s/ Michael E. Wiles
UNITED STATES BANKRUPTCY JUDGE